

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE: : Case No. 20-70077-JAD
Gloria J. Oakes, :
Debtor : Chapter 13

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Gloria J. Oakes, :
Movant :
v. : Document No. 7
American Accounts and Advisors, :
KML Law Group, M & T Bank, :
Respondents :

MOTION TO EXTEND AUTOMATIC STAY UNDER 11 U.S.C. §362(c)(3)

AND NOW, comes the Debtor, Gloria J. Oakes, by and through her attorney,
Jeffrey A. Muriceak, Esquire and files the following Motion to extend Automatic Stay:

1. On May 18, 2019, Debtor, Gloria J. Oakes, filed a Chapter 13 bankruptcy case, docketed to 19-70297-JAD in the United States Bankruptcy Court for the Western District of Pennsylvania through Lawrence W. Willis, Esquire of Willis & Associates.
2. The case was dismissed on October 3, 2019 and closed on November 18, 2019 without prejudice.
3. On October 31, 2019, Debtor, Gloria J. Oakes, filed a Chapter 13 bankruptcy case, docketed to 19-70679-JAD in the United States Bankruptcy Court for the Western District of Pennsylvania through Lawrence W. Willis, Esquire of Willis & Associates.

4. The case was dismissed on December 9, 2019 and closed on January 16, 2020 without prejudice.

5. The Debtor's current case was filed on February 12, 2020. The automatic stay was in effect at the commencement of the current case, and it would otherwise expire on March 14, 2020.

6. Debtor's current counsel has evaluated Debtor's assets, liabilities, sources of income, and expenses, and he believes that Debtor has more than sufficient income to maintain her monthly mortgage payment and make payments on account of arrears through the Chapter 13 Plan she intends to file in this case.

7. In the current Chapter 13 case filed on February 12, 2020, Debtor believes that her new Chapter 13 plan will be sufficiently funded, in light of multiple sources of income, including Social Security Retirement, wages from nearly full-time employment, and an annualized Federal Income tax return of approximately \$4,000.00.

8. Debtor seeks a third opportunity to preserve her residence for herself and pay off the mortgage arrears through her new Chapter 13 Plan. The real estate is valued in excess of \$100,000.00, and the mortgage lien associated with the real estate does not exceed \$35,000.00, including arrearages. Debtor believes, and therefore avers, that the current arrears on the mortgage account have not increased significantly beyond the amounts that originally existed in the prior Chapter 13 cases. To the extent that the arrears may have increased, Debtor perceives that her Plan will be sufficiently funded to account for the arrears.

9. Debtor's current monthly income is \$3,433.75.

10. Debtor's current monthly expenditures are \$1,829.87.

11. Debtor's current projected plan payment will be approximately \$1,050.00 per month. Debtor's counsel intends to file Debtor's Chapter 13 Plan within 14 days but must first accurately ascertain the current principal balance on the loan versus the arrearage balance and must secure this information from mortgage lender's counsel.

12. Debtor believes that she will be able to fund and consummate a new Chapter 13 Plan.

13. Based upon the above, Debtor believes that there is a sufficient change in circumstances since dismissal of the prior case to warrant a continuation of imposition of a stay under Section 362 of the Bankruptcy Code. Moreover, Debtor has proceeded in good faith with her third Chapter 13 filing.

14. The Debtor requests that this Honorable Court impose the automatic stay in this case on a permanent basis, subject to further Order of Court.

WHEREFORE, Debtor respectfully requests that this Honorable Court enter an Order imposing the automatic stay on a permanent basis, subject to further order of court, as to all creditors in this case.

Respectfully submitted,

EVEY BLACK ATTORNEYS LLC

By /s/ Jeffrey A. Muriceak

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